



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Vale District Office  
100 Oregon Street  
Vale, Oregon 97918  
<http://www.or.blm.gov/Vale/>

IN REPLY REFER TO:  
1600

September 29, 2000

### Public Land User:

This document is the final grazing decision for the Bully Creek Landscape Area Management Project (LAMP) that was developed as a result of the three protests that were received following issuance of the final document. Over the past several months, we have met several times with the Protestants, representing both the ranching and environmental communities, in a effort to understand and resolve their issues of concern. While we have strived to reach consensus between both interests, no agreement has been reached. We have provided our responses to the protests in an attempt to share a complete administrative record for your review. We are now moving forward with this final decision that strives to find some middle ground.

I would like to thank the Protestants for their continued willingness to discuss and express their opinions relative to the management of natural resources within the Bully Creek LAMP area. While agreements have not been reached, continued discussions are essential for the Adaptive Management Process that will be used throughout implementation of this LAMP. It is important to note that this final decision in no way concludes the opportunity for public involvement in this LAMP. Through the Adaptive Management Process we will continue to work with all interested parties to make those changes and adjustments that will inevitably be required to meet the needs of public land users while still meeting the objectives of the LAMP and the Standards for Rangeland Health. We sincerely appreciate the substantial effort participant's have made in this planning process and hope for your continued involvement during implementation.

Sincerely,

*s/Roy L. Masinton*  
Roy L. Masinton  
Field Manager  
Malheur Resource Area

## **FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD**

Bureau of Land Management  
Vale, Oregon

### **Introduction**

This Decision Record documents the decisions reached by the Bureau of Land Management (BLM) for managing 268,823 acres of public land in the Bully Creek Landscape Area within the Malheur Resource Area of the Vale District.

Three alternatives for management of the Bully Creek Landscape Area were analyzed and are described in detail in the Bully Creek Landscape Area Management Project (LAMP) and Environmental Assessment, EA OR-030-99-019. The alternatives and management objectives were formulated by an interdisciplinary team of resource specialists using input from public participation beginning with a scoping notice and public meeting in November 1998.

Alternative A represented the proposed action which would implement the recommendations as described in the Bully Creek LAMP.

Alternative B suspended livestock use in 24 pastures within 8 allotments where current livestock grazing was determined to be the primary cause for not meeting the Standards for Rangeland Health (SRH). The suspension was for a minimum of three years or until monitoring showed resource conditions were moving to meet the standards as defined in SRH guidelines and the LAMP objectives. Grazing schedules, forage utilization levels and season of use in those pastures where grazing use was not suspended would be similar to Alternative A - Proposed Action.

Alternative C represented “no action” which meant livestock grazing would continue as described in existing Allotment Management Plans subject to evaluation, SRH assessment and modification in regular cycles.

### **Finding of No Significant Impact**

On the basis of the information contained in the EA and all other information available to me, it is my determination that none of the alternatives constitutes a major federal action significantly affecting the quality of the human environment. Therefore, an Environmental Impact Statement is unnecessary.

### **Rationale for FONSI and Decision**

As analyzed and documented in EA OR-030-99-019, the proposed action is not expected to cause any significant adverse impacts to the critical elements of the human environment. The Bureau of Land Management, Vale District, Malheur Resource Area has considered and analyzed three alternatives for management of the Bully Creek Landscape Area. The BLM is tasked with the job of multiple use management as mandated under the Federal Land Policy and Management Act, Taylor Grazing Act

and numerous other laws and regulations which govern the management of public lands. The area was assessed for compliance with the SRH as a part of this project and results are summarized in Appendix C within the LAMP document. Implementation of the proposed action will meet the requirement in 43 CFR 4180 for the authorized officer to take appropriate action where livestock grazing is a significant factor for not meeting, or for not making significant progress toward meeting a particular Rangeland Health Standard. The proposed action provides a balance between those reasonable measures necessary to protect the existing resource values and the continued public need to make beneficial use of the area. Therefore, the implementation of the proposed action(s) is the best alternative to comply with all applicable laws, regulations, policy and agency directions.

The proposed action is in conformance with the Northern Malheur Management Framework Plan (1979), the Ironsides Grazing Management Environmental Impact Statement (EIS) (1980) and the BLM Riparian Area Management Policy (1987), and it complies with 43 CFR 4180 (Standards for Rangeland Health, 1997). It incorporates the Scientific Assessment findings from the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and is compatible with the management direction in the draft ICBEMP and the draft Southeast Oregon Resource Management Plan (SEORMP) efforts, which respond to the Scientific Assessment findings. In the event that either the ICBEMP or SEORMP final management direction is different than that defined in the Bully Creek LAMP, the LAMP would be amended to be consistent with these two management plans.

### **Mitigation and Monitoring**

All protective measures identified in Section 7.0 of the LAMP will be taken to avoid or reduce adverse impacts throughout the plan implementation. All practical means to avoid or reduce environmental harm will be adopted, monitored and periodically evaluated as appropriate.

Monitoring will be conducted as identified in Section 8.0 ( Monitoring) of the LAMP. Monitoring and periodic evaluation will be used to ensure that the plan is being implemented and that progress is being made towards goals and objectives.

### **Public Involvement**

Information concerning the amount of public involvement and consultation is found in Sections 6.3 and 9.0 of the LAMP. A summary of comments received and responses to those comments including descriptions of where changes were made as a result of comments are found in Appendix E of the LAMP.

### **Protests**

Three protests of the proposed Decision of the Bully Creek LAMP, dated March 2000, were filed in a timely manner with the Field Manager of the Malheur Resource Area. They were:

**Dearing Ranch**, Jaydee Dearing, Owner. Decisions protested included the proposed grazing schedule in the LAMP for Richie Flat Allotment, the need for separate grazing schedules for sheep and cattle, the need for grazing between November and January, utilization standards as management actions, prohibiting livestock use on critical deer/pronghorn/sage grouse winter range, limiting utilization in sage grouse habitat during April and May and the conflicting objectives for the desired range of future condition for seedings.

**Bully Creek Watershed Coalition and Area Ranchers**, Chris Davis, Chairperson.

Decisions protested included riparian surveys being in error for not having appropriate site potential descriptions; unreasonable utilization limits on uplands, riparian areas and sage grouse habitat; unattainable allotment objectives; non-operational proposed grazing schedules; outdated range readiness criteria; and untrue estimation of economic impact presented in LAMP.

**Idaho Watersheds Project**, Jon Marvel, President. Decisions protested included reduction in administrative funding to complete monitoring outlined in the LAMP; non-functioning condition of riparian exclosures; poor condition of riverine riparian areas; continued use of non-native species (crested wheatgrass) during fire rehabilitation efforts; lack of water quality monitoring to determine compliance with Oregon State standards; lack of annual measurable standards of use as a term and condition of all grazing permits; failure to create large reference livestock-free exclosures in every allotment; failure to designate all installations on public land as permittee maintenance responsibility; lack of current information regarding the presence of special status species plant and animal habitat; and reliance of range improvement projects to maintain stocking levels at the expense of public resources, native plants and wildlife.

BLM responses to each of these protests is contained in Appendix A of this document.

### **Notice of Modifications**

As a result of public comment, the three protests received and several editorial/grazing schedule errors identified by BLM since the draft Bully Creek LAMP (March 2000) was printed, modifications to the LAMP have been made and are contained in Appendix B.

## **DECISION RECORD FOR THE BULLY CREEK LANDSCAPE AREA MANAGEMENT PROJECT**

### **General Land Management Decision**

In the absence of any timely appeal of the final decision of General Land Management Actions of the Bully Creek Landscape Area Management Project, those decisions stand as identified in Section 7.0 and associated Proposed Projects outlined in Appendix A - 8 (Initial Proposed Projects). No further administrative review will occur.

## **Grazing Management Decision**

After having considered the full range of alternatives and associated impacts and assessment of compliance with the SRH and the protest points, it is my final decision to implement over time, those recommendations pertaining to grazing management contained in Section 7.0 and 8.0, Appendix A-8 (Initial Proposed Projects) and Appendix C (Allotment/Pasture Characterizations and Grazing Schedules) of the LAMP. Through the Adaptive Management Process, we may make changes to these recommendations and management strategies if new information warrants a change to meet planned resource goals and objectives. In accordance with the grazing regulations (4130.2 and 4130.3), BLM plans to modify and reissue all grazing permits within the LAMP area by March 1, 2001 for a period of ten years with the term and condition that grazing use shall be conducted in accordance with the Bully Creek LAMP.

## **Administrative Review**

If you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with Title 43 CFR 4.470 and 43 CFR 4160.4, you are allowed thirty (30) days from receipt of this decision to file an appeal with the Field Manager of the Malheur Resource Area, 100 Oregon Street, Vale Oregon 97918. The appeal should state the reasons, clearly and concisely, as to why you consider the grazing management decision to be in error relative to each individual allotment.

## **Request for Stay**

Any request for a stay of this final decision must be filed with the appeal in accordance with 43 CFR 4.21. Should you wish to file a motion for stay pending the outcome of an appeal of the final grazing management decision described above, you must show sufficient justification based on the following standards under 43 CFR 4.21 and 4.470:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted.
- (4) Whether the public interest favors granting the stay.

As noted above, the motion for stay must be filed in the office of the authorized officer and must be filed with the appeal.

S/Roy L. Masinton  
Roy L. Masinton  
Field Manager, Malheur Resource Area  
Vale District, Bureau of Land Management

9/28/00  
Date

## **APPENDICES**

### **APPENDIX A - BLM RESPONSES TO PROTESTS**

The following three protest letters were received in regards to the Bully Creek Landscape Area Management Project:

April 25, 2000-Dearing Ranch, Jaydee Dearing Owner

April 26, 2000-Bully Creek Watershed Coalition and Area Ranchers, Chris Davis, Chairperson

May 1, 2000 -Idaho Watersheds Project, Jon Marvel, President

#### **1. DEARING RANCH PROTEST**

**We protest the grazing schedule for the Richie Flat Allotment included in the LAMP.** The Allotment Summary (Appendix C pages C-36 through C-39) shows there is a lack of critical resource issues on the Richie Flat Allotment. Upland long-term trend, upland short-term trend and riparian overall trend are static to upwards. There are no Standards for Rangeland Health listed as not being met due to current livestock grazing. Therefore, the season-of-use should be expanded from that which is included in the LAMP. In particular, additional dormant-season grazing should be included. Additional grazing between November and March will provide additional management flexibility. Additional management flexibility will provide opportunity to continue to balance resource objectives for vegetation, riparian habitat, wildlife, and livestock. Since Rangeland Health objectives are already being met, the Richie Flat guidelines should be written so that the ranch and the BLM can work together to continue the upward trend on Richie Flat. We are requesting that there be more flexibility in the timing to use the 3168 permitted AUMs.

#### **Response**

LAMP information (Appendix C page C-36, Data Summary Table) for the Richie Flat Allotment shows 4 miles of West Log Creek and 2.75 miles of East Log Creek functioning at risk with a downward trend and the Richie Flat Seeding functioning at risk for ecological processes and native, T&E and special status species. Both of these summations identify critical resource issues that need to be addressed in the Richie Flat Allotment grazing schedule including maintaining winter habitat/cover for sage grouse and deer.

The proposed grazing schedule contained in the LAMP was developed to improve riparian areas and native, T&E and special status species habitat. BLM developed the proposed grazing schedule for Riche Flat Allotment after many meetings with you in 1999 asking for your ideas and recommendations. We had asked for proposals that could include different seasons-of-use including winter grazing (November through March) and options for both sheep and cattle use that would offer you flexibility in

timing for use of the permitted 3168 AUMs. We didn't receive any proposals from you during that time frame.

BLM received your protest letter to the Bully Creek LAMP on April 25 and a proposed new grazing schedule for Richie Flat Allotment for this year on May 3, 2000. Our resource specialists analyzed your proposed grazing schedule and identified advantages such as the use of sheep within riparian areas and the limited use the plan should provide within sage grouse habitat in April and May. Resource specialists also identified some problems that needed further attention including the need for early season grazing in riparian pastures such as East and West Log that your proposed plan only provided for in only 1 out of every 3 years. A new grazing schedule was developed by the specialists and sent back to Jack Alexander, your range management consultant, for your further consideration. This process has led to our scheduled meeting with you on August 31, 2000 and hopeful resolution of all of our concerns.

This process for final approval of the new grazing schedule may now involve completing an environmental analysis of the proposal with an amendment to the Bully Creek LAMP required before implementation since winter use and sheep were not analyzed in the original plan. Due to our current work load we won't be able to complete this analysis until after the 2000 grazing schedule. The proposed schedule in the LAMP will need to be followed this grazing season. If BLM had this information earlier in the planning process we could have incorporated it into the LAMP analysis and had a response to your proposal and possible solution.

**The grazing plan should provide for separate grazing schedules for sheep and cattle** to best utilize the differences in their grazing behaviors to meet objectives. The LAMP recognizes this; in fact, it states on page E-12 that the upward trend on native and seeded pastures on the Richie Flat Allotment is attributed to lighter use and the different grazing practices of sheep compared to cattle. In order to best maintain this upward trend, the grazing schedule needs to be different for sheep than it is for cattle.

## **Response**

BLM looks forward to working with you on separate grazing schedules for sheep and cattle if they meet the pasture objectives identified in Appendix C pages 36-39 for Richie Flat Allotment. It is our intent to utilize both sheep and cattle grazing as tools to achieve management objectives on both upland and riparian ecosystems. If it is determined to be beneficial to combine sheep and cattle grazing schedules to meet resource objectives, we would do so as appropriate.

**The Richie Flat Allotment grazing schedule should include grazing from November through January.** The LAMP states on page E-29 that November through January use can be allowed up to proper utilization levels. The LAMP goes on the state "Changes in season-of-use was one of the options considered in developing grazing schedules". The grazing schedule for the Richie Flat Allotment in the Final LAMP should include November through January grazing.

Although Dearing Ranch is not proposing that Richie Flat Allotment be grazed year-round, the grazing

season for the Richie Flat Allotment should include all 12 months of the year. This provides the maximum opportunity for use periods to be varied for each pasture. Using a pasture during different seasons in different years will provide the maximum opportunity for livestock management to continue to meet Rangeland Health Standards.

## **Response**

BLM discussed changes of season-of-use with you including winter use during the months of November through March as an option during the development of grazing schedules in 1999 and no interest at that time was expressed. We look forward to working with you on proposed grazing schedules that include November through March use as long as the proposed use does not exceed proper utilization levels designed to meet the stated pasture objectives in Appendix C, pages 36-39.

**The grazing schedule included in the LAMP is not acceptable.** Dearing Ranch should not be punished for the good management we have shown. In order to use our full permitted 3168 AUMs under the LAMP schedule, we would have no flexibility in when we graze in the Richie Flat Allotment. Furthermore, we would be forced to use the Richie Flat Allotment during the late summer every year, a time when we have opportunities to use other forage. The grazing schedule should provide the opportunity to obtain late season grazing off the Richie Flat Allotment in some, if not all years.

We understand that the plan calls for adaptive management. We are concerned that we will be forced to use an unworkable system for several years until monitoring shows that the system that we proposed would have better served the resource.

## **Response**

Please see our earlier responses concerning proposed grazing schedules and changes in season-of-use.

**We protest the utilization standards as management actions.** Management actions should be actions that result in measurable progress towards or attainment of Rangeland Health Standards or Desired Range of Future Conditions (DRFC's).

## **Response**

Utilization limits are designed to achieve specific resource objectives and must be met to attain Rangeland Health Standards or DRFC's. Utilization limits outlined in the LAMP were intended to work with grazing systems (cool or early season grazing, hot season rest, rotation, water development, fencing and herding) to allow for needed maintenance or improvement of resource conditions. Failure to comply with these utilization limits would then require adjustments as per Table 7 of the LAMP (pp 44-47) which include a wide variety of options from land management actions to reduction or suspension of AUMs.

Utilization limits have been recognized as the primary measure of grazing intensity used in long-term

grazing studies (references listed below) and as such, the BLM chose them as one of 15 grazing management actions available to assist in restoring and maintaining the desired ecosystem functions (see Table 7.0 in LAMP).

Holechek, J.L., H. Gomez, F. Molinar, and D. Galt. 1999. Grazing Studies: What We've Learned. Rangelands. Volume 21 (2), pp 12-16.

U.S. Department of the Interior, Bureau of Land Management. 1996. Utilization Studies and Residual Measurements. Interagency Technical Reference: BLM/RS/ST-96-004 + 1730. BLM, National Applied Resources Science Center, Denver, CO. 176 pp.

**We protest the management action on page 46 that prohibits use of critical deer/pronghorn/sage grouse winter range.** This prohibition is particularly unacceptable in light of the fact that the LAMP does not identify "critical deer/pronghorn/sage grouse winter range". The LAMP should provide for grazing systems that incorporate winter use while maintaining or moving towards DRFC's.

## **Response**

Critical deer/pronghorn/sage grouse winter range was identified, where it exists, in the Data Summary section of each Pasture Summary in Appendix C as an issue of concern. For example, South Ridge Pasture in Richie Flat Allotment identifies annual rangelands and special status species habitat (sage grouse leks) as issues of concern.

The management action on page 46 you refer to states "Avoid livestock use from December-March in critical deer/pronghorn/sage grouse winter range". This management action is intended to maintain critical deer/pronghorn/sage grouse habitat during winters when heavy snowfall covers much of the available forage for wildlife. Where appropriate, (where livestock needs are not competing with wildlife needs) BLM would allow winter livestock grazing as long as resource values were maintaining or are moving toward the DRFC.

**We protest the limit on utilization in sage grouse habitat during April and May.** These recommendations come from unapproved sources. Furthermore, the LAMP contains contradictory descriptions for this management action. Page 46 calls for the 7-9" (inches) residual herbaceous vegetation after grazing" while page E-46 explains "approximately half a pasture would contain areas with 7-9" (inches) of perennial grass stubble available for nesting grouse the following spring". This criterion needs to be fully developed through the planning process before it is incorporated into management plans. A better solution would be to develop sage grouse habitat descriptions that are based on factors that result in increased sage grouse populations, and then develop DRFC's that reflect those habitat requirements. We should then develop a grazing plan that maintains or moves towards DRFC's; and that management plan should be adopted under the adaptive management of the LAMP.

The LAMP on page 26 states that sage grouse habitat recommendations are based on unpublished and

unapproved draft documents. It is unreasonable to subject permittees to restrictions based upon recommendations that are not finalized, have not completed the public and agency comment and review process, and have not yet been subject to appeal. It is not reasonable to develop objectives that do not yet have appropriate monitoring methods developed.

## **Response**

BLM is trying to be consistent with the latest published information concerning sage grouse habitat management. We will amend these management prescriptions for sage grouse as new information, new policies/sage grouse guidelines, or as a possible Endangered Species Act listing dictates. Current use limits and residual vegetation heights in the LAMP were developed from the following literature:

- Braun C.E. 1998. Sage Grouse declines in western North America: What are the problems? Proc. Western Assoc. State Fish and Wildlife Agencies.
- Call, M.W. and C. Maser. 1985. Wildlife Habitat in Managed Rangelands-the Great Basin of Southeast Oregon; Sage Grouse. US Forest Service and Bureau of Land Management. General Technical Rept. PNW - 187. 29pp.
- DeLong, A.K., J.A. Crawford, and D.C. DeLong. 1995. Relationship between vegetation structure and predation of artificial sage grouse nests. J. Wildlife Management. 59(1):88-92.
- Drut, M.S., J.A. Crawford, and M.A. Gregg, 1994. Brood habitat use by sage grouse in Oregon. Great Basin naturalist. 54(2):170-176.
- Hanf, J.M., P.A. Schmidt, and E.B. Groshens, 1994. Sage Grouse in the high desert of central Oregon. U.S. Bureau of Land Management, Prineville, OR. 56p.
- Martin, R. C. 1990. Sage grouse responses to wildfire in spring and summer habitats. M.S. thesis, University of Idaho, Moscow. 36pp.
- Oregon Dept. of Fish and Wildlife, 1993. Sage Grouse in Oregon. ODFW Wildlife Research Section., Portland, OR. 54p.
- Pyle, W. H., and J. A. Crawford. 1996. Availability of foods of sage grouse chicks following prescribed fire in sagebrush-bitterbrush. Journal of Range Management 49:320-324.
- Wakkinen, W.L., K.P. Reese, and J.W. Connelly, 1992. Sage Grouse nest locations in relation to leks. J. Wildlife Management. 56(2):381-383.
- Wallestad, R.O. and D.B. Pyrah, 1974. Movement and nesting of sage grouse hens in central Montana. J. of Wildlife Management. 38:630-633.
- Welsh, B.L., F.J. Wagstaff, and J.A. Roberson, 1991. Preference of wintering sage grouse for big

sagebrush. J. Range Management. 44(5):462-465.

BLM believes there is no contradiction concerning this management action as described on page 46 and E-56 (not E-46 as you stated) of the LAMP. The full text on page E-56 reads “The 40% use limit was established to reflect the amount of livestock use that could occur in pastures grazed after seed ripe where sage grouse are believed to be nesting. This amount of use in a pasture reflects the typical placement of utilization studies in relation to water and roads such that approximately half a pasture would contain areas with 7-9" of perennial grass stubble available for nesting grouse the following spring.” The discussion on page E-56 describes the point that utilization studies completed near roads and water don’t account for the lighter use typically occurring away from these features and thus a 40 % use limit may account for half a pasture having the 7-9" residual herbaceous vegetation height required by sage grouse. BLM believes the two pages are consistent.

**DRFC’s for seedings should be developed so that there are not conflicts between objectives for increased species diversity and objectives for stable or increasing numbers of seeded species.** A seeding should not be expected to increase productivity and vigor of seeded species and simultaneously improve species diversity. Again, we support the development of measurable and attainable DRFC’s. Management of seedings should be measured based on success in maintaining or progressing towards DRFC’s.

## **Response**

BLM established four objectives to be applied to seedings based on the site specific characteristics of each seeding and the DRFC for the landscape area. Please see page 15-16 of the LAMP which describes the four seeding objectives and Chapter 3, page 2-4 of the Draft Southeast Oregon Resource Management Plan that describe the DRFC’s for the same LAMP area.

In planning for future seedings, it is our intent to prevent monocultures by seeding with mixes that include forbs and shrubs in addition to grasses where these species have a reasonable expectation of germination and survival to maturity. BLM is also looking to re-establish forbs and shrubs in some existing seedings which currently lack these components and have little opportunity for natural recovery in the foreseeable future.

In other situations where seedings are close to sage grouse leks, the benefit of having a mixture of crested wheatgrass and sagebrush outweighs the need to keep the seeding as a pure crested wheatgrass seeding. BLM believes all these objectives are obtainable and would be managed to meet the DRFC.

## **2. BULLY CREEK WATERSHED COALITION and AREA RANCHES PROTEST**

**Riparian Survey.** The riparian surveys in the Bully Creek LAMP are in error for not having an appropriate site potential. The PFC evaluations are flawed by applying the same potential to all streams that have varying potentials. Some riparian areas have low potential and will not meet PFC or desired range of future condition (DRFC). This logic can be applied to numerous riparian habitats throughout

the Bully Creek LAMP.

## **Response**

BLM ID Teams followed standard accepted guidelines in “Riparian Area Management - Process for Assessing Proper Functioning Condition, TR 1737-9” published in 1993 in determining site potential for riparian areas. These guidelines were rigorously reviewed by academia and federal agencies and incorporated into the Department of the Interior’s Rangeland Reform EIS and have been implemented by the BLM and adopted by several other agencies including the U.S. Forest Service. Using these guidelines a riparian-wetland’s potential was determined using the following approach: (page 10 of TR-1737-9)

- Look for relic areas (exclosures, preserves, etc.)
- Seek out historic photos, survey notes, and/or documents that indicate historic condition.
- review and assessment of the 17 standard hydrologic indicators that are completed during the rating process in the field. Based on the results of this assessment including the vegetation present, bank stability and hydrologic characteristics (width/depth ratio etc.) the functionality of the riparian-wetland area was determined.

BLM is familiar with Robert Kinchey and Michael Crouse’s article “A Method for Predicting Riparian Vegetation Potential of Semidesert Rangelands, 1984; and “Riparian Reminiscences” by Robert Kinchey, 1987. The method described in these articles is not the standard guideline that has been adopted by the BLM and therefore was not used.

BLM agrees with you that some riparian areas have a low potential to reestablish themselves and will not meet PFC or the desired range of future condition (DRFC). In addition, other areas that show evidence that riparian communities existed historically may have lost the potential to reestablish themselves. It was not our intent to expect recovery in riparian areas that are degraded to the point that they no longer have the potential to support riparian vegetation. Where, due to historic events and/or naturally occurring conditions, there are no riparian vegetation characteristics, riparian restrictions would not be applied. To date, this applies to portions of Cottonwood Creek within Allotment #3 and other potential sites as identified through monitoring. Expectations for recovery for these stream stretches will be changed through the Adaptive Management process. It is still BLM’s responsibility to manage for proper functioning condition of riparian resources where they exist or wherever they express themselves in the future.

**Utilization Limits.** The utilization limit of 50% on upland vegetation as stated in the Bully Creek LAMP has no scientific basis in a grazing system, providing there is proper deferment and rest to the upland vegetation. The BLM does not mention how it derived scientifically at 50% utilization on upland vegetation. Studies have found that 60 to 70% utilization have no effect on upland if proper deferment from grazing is provided. This is an unnecessary restriction to feasible alternatives that could be crafted.

Utilization should be measured at the end of the growing season and not at the end of use. This includes both riparian and upland pastures.

Stubble height measures in riparian pastures should only apply to rushes and sedges at the green line.

## **Response**

The management action of using a utilization limit of 50% on upland vegetation was established and approved with past Vale District land management documents such as the Ironsides Grazing Management EIS signed in 1980. This 50% limit is designed to work with grazing schemes to allow for needed maintenance or improvement of resource conditions such as wildlife habitat and protection of soils. The following literature also supports this utilization limit:

Holechek, J.L., H. Gomez, F. Molinar, and D. Galt. 1999. Grazing Studies: What We've Learned. *Rangelands*. Volume 21 (2), pp 12-16.

Holechek, J.L., T.J. Berry, and M. Vavra. 1987. Grazing system influences on cattle diet and performance on mountain range. *J. Range manage.* 40:55-60.

Heitschmidt, R.K., J.R. Connor, S.K. Canon, W.E. Pinchak, J.W. Walker, and S.L. Dowhower. 1990. Cow/calf production and economic returns from yearling continuous deferred rotation and rotational grazing treatments. *J. Agr. Prod.* 3:92-99.

Taylor, C.A. Jr., N.E. Garza Jr. and T.D. Brooks. 1993. Grazing Systems on the Edwards Plateau of Texas: Are they worth the trouble? II. *Rangelands* 15:57-61.

Stoddard, L.A., A.D. Smith and T.W. Box. 1975. *Range Management*. 3<sup>rd</sup> Edition. McGraw-Hill Series in Forest Resources. 532 pp.

Depending on when livestock are present in an area and what resource value is being managed for determines when utilization studies should be measured. For example, if the BLM is managing for stabilizing stream banks from storm events and spring runoff, utilization could be measured at the end of the growing season after the livestock have left the area to assure proper amounts of residual vegetation were in place prior to next years spring runoff. This assumes there is still sufficient time for the grasses to regrow to the lengths that would stabilize streambanks (4-6 inches). In another example, if BLM is managing for grass and forb production along riparian areas for sage grouse forage (forbs and insects) during May through August, we would want to measure utilization between May through August, if livestock were present, to insure sufficient sage grouse forage is present. Monitoring and utilization assessments may be measured throughout the year depending on resource values of concern.

Applying a stubble height measurement in riparian areas only to rushes and sedges at the green line will not repair streambank breakage by livestock trampling or effectively reduce soil surface erosion or filter out sediments. In some cases the rushes and sedges you mentioned are not yet present on streambanks and other riparian areas due to the early seral stage present. These degraded areas would not improve without the 4-6 inch herbaceous residual height management actions BLM has recommended incorporated with deferment of hot season grazing and the many other management actions identified in Section 7.0 and 8.0 of the Bully Creek LAMP. It is also important to note that some interested parties

believe that these limitations are not restrictive enough to insure recovery. If they are correct, additional more restrictive limitations will be required in the future.

**Sage Grouse.** High sage grouse numbers of the past occurred at a time when grazing and predator control was intensive compared to today. Present predation levels appear to be a major contributor to poor chick survival. The Bully Creek LAMP proposes a change of grass utilization from 50% to 40% in an attempt to increase cover and thus reduce predation. As Robert Kindschy stated in his comment letter on August 27, 1999... “50% to 40% utilization, at best, it is difficult to measure and likely is insignificant”. He goes on to say “good range management may not be good for sage grouse...”. it is our belief that present grazing may contribute to the strong sage grouse numbers in Bully Creek. There is no better evidence than ODFW’s own surveys.

We believe the BLM LAMP erred or failed to recognize potential adverse impact to the sage grouse populations within the project area. The proposed light grazing use in and around leks will significantly increase fine fuels and the potential for major fire. Fire is the only significant threat to the sage grouse population. A finding of no significant impact (FONSI) to sage grouse by BLM in implementing the Bully Creek LAMP is not true considering the fire potential.

## **Response**

The management action you refer to is intended to insure sufficient residual grass cover is present in April and May regardless of when cattle are grazing in the pasture. This management action was developed based on the best available studies BLM had and discussions with ODFW. We did recognize and considered the potential adverse impact of increased levels of fine fuels and potential for increased fire incidence. BLM disagrees that it is a “significant” impact though for the following reasons:

- the history of wildfire and human caused fire in the Bully Creek LAMP area has traditionally been low (four reported fires in last twenty years). This can partly be attributed to livestock grazing but it is also a result of higher elevation range with increased moisture levels resulting in more native grasses which reduce the likelihood of large fires. The window of opportunity to burn (typically July-August) decreases in size the higher in elevation an area is. For example Alkali Flat, northeast of Vale, is a lower elevation area that has more exotic grass species (cheatgrass) which cures out much sooner than the Bully Creek area. The window of opportunity to burn is much longer in this area (typically mid-June through mid-September). The higher elevations within the Bully Creek LAMP area also have a deeper snow pack which may limit the amount of carry over fuels accumulating from year to year than the lower elevation ranges. This deeper snow pack breaks down accumulated litter from the previous year reducing the chances for fire to spread from previous year’s fine fuel growth.
- BLM anticipates an increase in priority for fire suppression actions within crucial sage grouse habitat with the increased intensity of management for this species. This should result in smaller acreage burned, other than during years with abundant spring moisture and continued hot and dry conditions through late August and early September.

- BLM anticipated livestock use in some of these areas following the April-May season which would reduce the fine fuels and associated risk for a major fire.
- the 40 percent utilization level will be an average over the area of concern resulting in a “patchy” pattern of use. Some areas will be grazed heavier than other which may also reduce the likelihood of fire carrying through the area.
- there is a good road distribution system within the Bully Creek area which may help to contain the size of any fires (preventing the spread across roads) when extreme weather factors are not present.

**Allotment Objectives (Appendix C).** The new objectives for each allotment listed in appendix C - allotment/pasture characterizations and grazing schedules, usually states “the long-term objectives is to improve eco-site condition from early to middle or middle to late of DRFC”. Numerous research supports the contention that moving from one ecological condition to another is very difficult if a threshold has been crossed. Friedel (1991) points out that once a threshold is crossed improvement cannot be attained without a much greater intervention or management. Grazing control is not an adequate intervention once the range re-establishes equilibrium. It will take greater intervention or management than simply limiting grazing. How is the BLM going to measure or determine if a site went from early to middle ecological condition?

Much of the trend data gathered more accurately reflects vegetation response to precipitation during the growing season than reflecting vegetative trends or grazing impacts. The above mentioned objectives are probably not attainable.

## **Response**

Determining if a site has gone from early to middle or middle to late ecological condition can be assessed by describing the hydrologic, vegetative, and soil/erosion deposition indicators present at that site. Examples of hydrologic indicators that could be evaluated include stream sinuosity, width/depth ratio, and gradient and if they are in balance with the landscape setting (landform, geology etc). Vegetation indicators that could be assessed include whether a diverse age class and composition of riparian vegetation is present at the site and if adequate vegetation cover is present to protect banks and dissipate energy during high flows. Soil characteristics and erosion deposition characteristics that could be assessed include whether point bars in streams are revegetating and whether there is any excessive erosion or deposition occurring. All these indicators can be assessed and used to determine if a site has improved from one eco-site condition to another. Our management objective is to have an upward trend... to move towards the desired conditions rather than to arrive at a specific ecological condition or percentage of a certain plant species.

BLM believes the attainability of any of the pasture objectives identified depends on the current condition of that site and the management applied to improve that site. If the prescribed management actions prove to be ineffective, the Adaptive Management Process allows for additional changes in management to be made to meet the resource objectives.

**Proposed Grazing Systems (Appendix C allotment/pasture characterizations and grazing schedules).** The proposed grazing systems for some permittees in the Bully Creek LAMP are not operational logistically, economically or environmentally. It appears one of the main intents beyond riparian protection of the grazing systems was to provide early season (may/June) rest on upland native pastures two out of three years. The result is an unworkable grazing system both logistically and economically for the permittee. The proposed changes create inflexibility in an unworkable system and are a poor attempt to address range condition issues.

Use of fenced federal range (FFR) has proposed timing and use restrictions when it has historically been operator discretion on how and when they wanted to use those lands.

Restricted use of BLM lands could potentially result in increased use of private lands by permittees with unworkable BLM grazing systems. Most riparian habitats in Bully Creek are on private lands, resulting in increased potential damage to riparian communities within the Bully Creek watershed as a whole.

## **Response**

BLM has stressed the adaptive management process throughout the development of the Bully Creek LAMP which allows for changes to be made over time as long as resource objectives are being met. We hope these processes and decisions allow flexibility so that if there are “unworkable” grazing systems present they can be modified into workable systems. We are currently working with two permittees within the LAMP area adjusting their grazing schedules as a result of new options they would like to try while still meeting the stated resource objectives.

We have also recognized that some proposed grazing systems require the implementation of range improvement projects, including riparian fences and water developments to move livestock away from riparian areas, before fully implementing the project. That is why we delayed the full implementation of the management actions described in the LAMP until the 2001 grazing season. BLM encouraged permittees to move forward with the proposed grazing schedules and changes this year if they had the infrastructure established to do so.

Where BLM has determined that public land within fenced federal range are not meeting the Standard’s for Rangeland Health, we have proposed new timing or use restrictions to improve those conditions as required by regulations (43CFR 4180.2(c)).

**Range Readiness (Page 49 Table 8).** Range readiness is an outdated tool used only in abnormal circumstances. We do not need range readiness if we have a proper grazing management system. Tom Bedell, retired Range Professor-OSU stated “range readiness is nothing more than a crutch to good range management”.

## **Response**

BLM uses range readiness only on key forage grass species and only as an indicator that the plant has had adequate time (measured in inches of new growth of the leaves) to replenish the depleted food

reserves that are used during the initial rapid growth of plants in the spring. Range readiness continues to be a viable tool BLM uses to insure plant health and vigor prior to the initiation of livestock grazing. Range readiness is only one of 15 grazing management actions in Table 7 in the LAMP that are available to be used as part of a “proper grazing management system”. In most situations, range readiness criteria will only be imposed when a pasture has been grazed in the fall of the previous year to insure that sufficient regrowth has occurred prior to grazing the following spring.

**Economic Impact.** The LAMP erred in indicating the true economic impact to permittees. As the LAMP is implemented, the necessary use restrictions have the potential to drastically reduce current AUM levels. This will cause a significant impact on the human environment and should require an EIS.

## **Response**

BLM believes the management actions proposed in the Bully Creek LAMP make no significant barriers to the economic sustainability of the livestock industry in Malheur County and does not require an EIS..

As described on page 35 on the LAMP , if a complete elimination of all AUM’s were to occur within the Bully Creek Landscape Area (43,366 AUM’s), it would reduce the AUM’s in the Malheur Resource Area by 18% (233,607 Total AUM’s divided by 43,386 AUM’s in the LAMP area times 100 equals 18 percent). The impact on Malheur County would be even less since the Malheur Resource Area accounts for less than 45% of the public lands in Malheur County upon which livestock grazing is permitted. The LAMP is also not proposing any initial reductions in AUM’s and as a result little or no impact is expected to the economic value of the livestock industry in Malheur County.

In addition, the economic sustainability of the livestock industry is affected by many factors: commodity prices, public pressure exerted to meet environmental goals, ranch land sold for other uses, climatic changes, importation of less expensive beef from other countries, changes in people’s dietary habits, and recent court decisions removing livestock grazing from certain areas in the west to name a few. Many of these factors are beyond the control of the BLM to influence.

Additional expenses may be incurred by hiring temporary riders for herding purposes, adding supplements, sharing in the cost of range improvement projects and additional fence maintenance to make sure vegetation utilization levels are not exceeded. If the objectives outlined in the LAMP are not met, BLM agrees that there is the potential for reductions in AUM levels once other options have been tried. It is our hope that many of the ranchers will make the effort to disperse their livestock on the public land to maximize the forage available within the vegetation utilization guidelines described in the LAMP. BLM believes many ranchers will choose to cooperate to achieve the requirements established by the Standards for Rangeland Health.

## **3. IDAHO WATERSHEDS PROJECT (IWP) PROTEST**

**Reduction in Administrative Funding.** IWP protests the reduction of administrative funding in light of the LAMP’s reliance on rapid assessments and responsive monitoring in order to timely adjust grazing

practices through grazing management actions (Table 7) on a site specific basis. “Annual monitoring with progress reviews of each LAMP scheduled for 3, 5 and 7 year intervals” (pg. 53), upland trend monitoring “conducted at a minimum of every 10 years” (pg 54) and “annual herbaceous studies in I and M Allotments” (pg. 54) all require intensive data acquisition steps. Without professional baselines in hand for each unit and standard, a trend may take 20 years to assess in low-priority pastures, leading to 30-year time lines for resource improvement through management actions. How will this “continual feedback loop” of monitoring to achieve planned goals and objectives be accomplished without staff?

**Response:**

Reductions in annual funding needs from the original draft to the final LAMP are due to two factors: First, BLM had an opportunity to better assess funding needs between the draft and final and adjust our original estimates to values which we believe are more realistic. You will note from the LAMP text that projects will be prioritized and implemented until project funding is exhausted. In the case of project implementation it is likely that some will not be implemented as the priority need for them may change over time. For example, there is a reasonable expectation that the need to reestablish perennial grasses in range dominated by undesirable annual grasses may be negated by wildfire and subsequent emergency rehabilitation efforts which can be done with funding from other sources.

Second, BLM removed that portion of the funding that was considered “base” (that which we are likely to get regardless of approval for the Bully Creek LAMP). The remaining funds are what we would require in addition to our base funding, including that estimated for staffing (both long-term and seasonal) to support essential monitoring. While some of the monitoring would be conducted by existing staff as it has been for years, other parts will require additional personnel costing approximately \$60,000 per year. This is particularly true with specific monitoring needs associated with periodic re-assessment of riparian resources. However, it is important to note that indicators of trend such as upland trend plots and riparian area photo points are frequently evaluated and can trigger more intensive monitoring assessments as needed to insure compliance with established objectives. As a result, BLM does not expect a “30 year time line for resource improvement” but we expect to see significant indicators of positive trend within the short-term (3 to 5 years) for most areas.

**Non-functioning condition of riparian exclosures.** IWP protests the non-functioning condition of exclosures which are designed to achieve improved water quality and habitat for aquatic species by minimizing impacts of livestock grazing. In allotment #2, Pasture 20, “Fences are non-functional on the southern and western boundaries. Riparian habitats are not functioning properly due to historic grazing and current trespass as a result of nonfunctional fences”. In pasture 17, “Riparian watershed is not functioning properly due to historic grazing. The fence between this pasture and the 0201 Riparian Stream Exclosure (20) is non-functional. The fences are not properly maintained and cattle also trespass with ease through Pasture 10, yet this lack of fence integrity is not considered to be a problem. On the contrary, page 50 of the final LAMP states “normal maintenance of these projects is expected to proceed as in the past”. Reflecting on the fence maintenance problems mentioned above and also observed for three of the four exclosures in Allotment #3, fence integrity will continue to compromise resource recovery efforts. Fence projects aimed at lessening grazing impacts, if not functioning, are

more likely to cause negative impacts such as short-term soil instability and degraded water quality, at an unacceptable cost to taxpayers.

**Response:**

The lack of fence integrity is considered a problem by the BLM and where we find projects in need of maintenance we notify the party responsible and insist on compliance with their maintenance responsibilities. It is the responsibility of the Bureau, and our intent, to insure this maintenance is completed as required. Failure to conduct assigned maintenance is considered a prohibited act under 43 CFR 4140.1(a)(5) and is subject to substantial civil penalties under 43 CFR 4170.1.

**IWP protests the condition of riverine riparian areas.** Fifty of 53 pastures containing riverine riparian areas are not meeting Standard 2 Watershed Function (Standards for Rangeland Health). The BLM proposes to continue its reliance on fencing and riparian exclosures to affect improvements in functioning condition of over 24 miles of riparian areas. Fence construction directly impacts and displaces vegetative communities while causing increased trampling in adjacent areas.

**Response:**

The Bully Creek LAMP (page 40) identifies 56 pastures out of the total 109 having riparian resources with 47 of the 56 pastures evaluated as not currently meeting Standard 2 (riparian-watershed function). Twenty-two of the 47 pastures did not meet the standard due to current livestock grazing management practices while the remaining 25 pastures did not meet the standards due to other factors.

Riparian area condition is a primary focus for the LAMP and BLM expects significant improvement in overall condition of this resource with implementation during the short-term. IWP's contention that the Bureau proposes to continue its reliance on riparian exclosures is not correct. In fact, several exclosures have already been replaced by larger riparian pastures managed specifically for the benefit of the riparian community. Other exclosures may be removed in the future if grazing systems prove effective in improving riparian habitat condition over time.

It is correct that the increased intensity of livestock management requires more fences, but BLM believes that the riparian habitats will benefit from these "range improvements". Riparian exclosures of the past were often too small and constructed too close to the stream and as a result failed to contain thirsty livestock. Larger riparian pastures have proven very successful and much more popular with the livestock permittee who has fewer problems with injured or trapped animals. The direct livestock/wildlife impacts to vegetation next to fences are minor, particularly when compared to the overall benefit of riparian areas and other sensitive resources.

**IWP protests the plans to continue seeding of crested wheatgrass to increase forage for livestock when rehabilitating areas treated by BLM prescribed fire management actions.**

While citing the deficiencies in current vegetative structure, diversity, and composition BLM reliance on crested wheatgrass seeding continues to fragment habitat and fails to enhance the visual quality of public

land. Such seedings create a monoculture wasteland of negligible biodiversity which severely handicaps the continued existence of native plant and animal communities of this sage/steppe ecosystem. Sage grouse nesting and brood rearing activities are limited in seeded areas, even with the reestablished sagebrush, which are described on page 21 as having “reduced perennial grass and forb understories”. The LAMP claims (pg D-23) that over the long-term, vegetation treatments would increase desirable herbaceous, shrub and tree species which would contribute to landscape stability, but in the short-term negative impacts to water quality would result from declining infiltration rates, erosion and sediment transport. IWP protests any management action which utilizes burning or “brush beating” as vegetation treatments.

**Response:**

Seedings which create monocultures are not desirable. It is our intent to prevent monocultures by seeding with mixes that include forbs and shrubs in addition to grasses where these species have a reasonable expectation of germination and survival to maturity. Our proposed treatment areas will be designed to remove sagebrush in a mosaic pattern so that there would be islands of sagebrush left within the treated areas with ample stands of mature sagebrush remaining around the treated area. BLM is also looking to re-establish forbs and shrubs in some existing seedings which currently lack these components and have little opportunity for natural recovery in the foreseeable future.

While your concerns are well understood, the Bureau will retain prescribed fire and “brush beating” as viable tools for treatment of vegetation communities when they are the appropriate tools to achieve management objectives. In addition, crested wheatgrass will also be used to establish a perennial grass community where it is too dry to establish other native perennial species, and where the native species cannot compete with the invasive, exotic annual grasses. This is particularly true in areas currently dominated by annual grasses where crested wheatgrass is much preferred and significantly more resistant to wildfire.

In areas where native perennial grass species have a reasonable expectation of success, they are preferred and will be used if available. Unfortunately, in the case of emergency rehabilitation following wildfire, seed for native species is not always available. In fact, over the past several years the Bureau has purchased all the seed commercially available for many native species. Often our demand exceeds supplies and as a result we are forced to pay exceptionally high prices for what we can get. Until that situation changes crested wheatgrass will continue to be used in areas we would prefer to use native perennial grass species.

**IWP protests the lack of any water quality monitoring data or requirement that monitoring of surface waters be carried out annually to determine compliance with Oregon State Standards.**

While the LAMP details excessive levels of nutrient loading, turbidity, sediment and streambank erosion, decreased levels of dissolved oxygen, and insufficient stream structure, the document fails to address the need to place terms and conditions on the grazing permits which may facilitate improvement.

## **Response:**

BLM agrees that water quality monitoring data is lacking in many areas and what we have has largely been collected by other sources such as Oregon Department of Environmental Quality and the Malheur Owyhee Watershed Council. Over the past decade, it has become very apparent that the primary water quality issues facing public lands within the arid west is water temperature and sediment. The management prescription to improve both of those standards is to improve uplands and riparian areas to achieve proper functioning condition in accordance with Standards of Rangeland Health. As a result, BLM has chosen to focus our limited budget on management to ensure restoration of ecosystem function, both uplands and riparian communities. With the implementation of this LAMP all grazing permits within the LAMP area will include terms and conditions requiring compliance with management actions established in the LAMP relative to livestock grazing.

**IWP protests the lack of annual measurable standards of use as a term and condition of all grazing permits, and the lack of an accountability clause in the permits calling for reduction of AUMs or cancellation of permits if resource standards are not met.** While the LAMP provides for some “indicators” such as hot season riparian, it does not establish that these are standards that must be met annually and it does not define how these are to be measured except to say that a “large” area will be analyzed and not a “small” area. There are also no standards for bank trampling by hoof action such as a maximum of 5% of any lineal length of stream or 5% of spring/seep areas. Without a trampling standard sedimentation will continue to be a major problem on all the riparian areas of the LAMP area. The agency must also commit in the LAMP to an accountability clause in every grazing permit which will mandate that management actions will change if any standard of vegetation use by livestock is exceeded in any year or that a reduction in season of use and/or numbers of livestock will take place for the following year.

## **Response**

BLM plans for full implementation of this LAMP by March 1, 2001 with the terms and conditions requiring compliance with management actions established in the LAMP relative to livestock grazing included in the new grazing permits. These management actions initiate specific AUM numbers and grazing systems, seasons of use and utilization levels etc. that are all measurable and enforceable and would be implemented once the Bully Creek LAMP decision was finalized. Failure to comply with those terms and conditions will be considered a prohibited act under 43 CFR 4140.1(a)(1) and is subject to substantial civil penalties under 43 CFR 4170.1. As compliance with any regulation is often subject to extenuating circumstances, specifically what actions are taken to require compliance with terms and conditions will be at the discretion of the Authorized Officer who will evaluate each case independently while striving for consistency and fairness for all concerned.

**IWP protests the failure of the BLM to create any reference livestock-free exclosures of large size in every allotment as part of this LAMP to provide baseline recovery information to compare against the management actions which continue to allow livestock use.** Without large riparian and upland exclosures free of livestock use, the BLM and the public cannot know if the BLM

management on other adjacent lands is actually improving degraded public resources at nearly the same rate as livestock-free areas.

**Response:**

Relic areas are often available naturally making it unnecessary to always construct livestock enclosures. In the case of Bully Creek, many relic areas currently exist in the canyons and other areas that have been inaccessible to livestock. These areas provide a good indication of what potential resource values have and this is particularly true of riparian areas.

It is important to note however, that it is not our expectation to “improve degraded public resources at nearly the same rate as livestock-free areas”. Much of the resource degradation that has been documented in the LAMP is the result of historic rather than current uses and it may take substantial time to attain our objectives in all areas. In the case of livestock grazing, it is our intent to continue to allow use while re-establishing a positive trend in restoration of degraded resource values in the short-term and strive to attain proper functioning condition in both upland and riparian communities over the long-term. To accomplish this, it is not possible to match recovery rates that would occur in the absence of livestock grazing and this should not be an expectation of LAMP implementation.

BLM has also proposed the 1569 acre North Ridge Bully Creek Area of Critical Environmental Concern/Research Natural Area (ACEC/RNA) located west of Westfall along the ridge that separates Clover Creek drainage to the north from Bully Creek drainage to the south. The relevant and important values identified by Oregon Natural Heritage Program are the big sagebrush/Thurber needlegrass community and the big sagebrush-threetip sagebrush/Idaho fescue community vegetation cells and sage grouse and their associated habitat. Livestock use would continue based on existing permit stipulations and approved AMP's. Any proposed changes in grazing, including time and intensity of use would be evaluated for impacts on the relevant and important values and would be permitted if values would be maintained or enhanced. Although this is not a livestock-free area, BLM believes this proposed ACEC/RNA could also provide baseline recovery information to compare against current livestock management actions.

**IWP protests the failure of the BLM to designate in the LAMP that all installations on allotments within the Bully Creek watershed on public lands will have maintenance responsibility assigned to ranchers, the sole beneficiaries.** No installations would be required if livestock were not present and therefore maintenance must be assigned to the permittees.

**Response:**

Maintenance responsibility will be assigned in accordance with current Bureau policy. In most cases maintenance of range improvements are assigned to the livestock permittee. This is particularly true of fences where the control of livestock is the primary purpose and of developments that provide water for livestock.

**The LAMP fails to address the need for current information regarding the presence of special status plant species and endangered and threatened animals.** Only Alternative B, Suspended Use, provides any expectation of improved habitat for sage grouse, a species with rapidly declining numbers throughout the landscape area. In addition, sediment problems in the watersheds are a serious threat to redband trout and sculpin habitat yet are not addressed by any timely objectives for improvement.

**Response:**

The assertion that the LAMP (Alternative A in the EA) provides no expectation of habitat improvement for sage grouse or redband trout is not true. In the EA, page D-28, specific benefits to both terrestrial and aquatic habitats relative to the needs of these species is addressed. The conclusion of this assessment is that implementation of the LAMP would improve habitat quality for all special status animals. Special status plants would be unaffected by either alternative.

It is important to note that the sage grouse populations within the landscape area are not rapidly declining. The latest information from Oregon Department of Fish and Wildlife indicates that over the past ten years a gradual decline has occurred, however, more recent counts in the past three years show some increase in population numbers.

**IWP protests the reliance on “range improvement” projects which benefit the permittees and their livestock at the expense of public resources, native plants and wildlife, and ecosystem health.**

**Response:**

Grazing by livestock is only one of many multiple uses of the public lands that BLM manages. Our management focus with this LAMP is to sustain and improve the health of our ecosystem overall while complying with the many laws and regulations that apply to the management of public land resources. BLM recognizes IWP’s position on livestock grazing and implementation of “range improvements” but we also recognize the interests of many others who have differing points of view. BLM also wishes to protect public lands and their associated resources and will do so while allowing uses that are compatible with the land and that can be sustained with proper management.

## **APPENDIX B - Notice of Modifications**

As a result of public comment, the three protests received and several editorial/grazing schedule errors identified by BLM since the draft Bully Creek LAMP was printed , modifications to the LAMP have been made and are contained in Appendix B.

### **1. Stan Shepard's Corrected Grazing Schedule for Allotment #3 (10202)**

Pasture	Reason for not meeting Standards 1-5		Allotment Management Plan Grazing Schedule			Proposed Grazing Schedule		
	Caused by Current Grazing	Caused by Other Factors	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
Jones	3, 5	2, 3, 5	7/1-10/31	7/1-10/31	7/1-10/31	7/1-10/31	7/1-10/31	7/1-10/31
North Black Canyon	2, 3	2, 3	4/1-4/30	6/15-7/1	REST	REST	5/1-7/1	4/1-5/1
South Black Canyon	3	2,3	4/1-7/1	REST	5/1-7/1	5/1-7/1	REST	4/1-5/1
East Cottonwood Seeding	2	1,2,3,5	REST	4/1-4/30	4/1-4/30	4/1-4/30	4/1-4/30	5/1-7/1
West Cottonwood Seeding	2	1,2	7/15-10/31	5/1-6/15	4/1-4/30	4/1-4/30	4/1-4/30	5/1-7/1
Kelsay Butte			7/15-10/31	7/1-10/31	7/1-10/31	7/16-10/31	7/1-10/31	7/1-10/31
Swamp Creek Seeding	2	2	4/1-6/15	REST	3/15-5/15	4/15-5/15	4/1-5/1	5/1-7/1
North Gregory Creek		2,3	REST	3/15-6/15	REST	REST	5/1-7/1	4/1-4/30
Indian Creek		2	7/15-10/31	9/15-10/31	7/15-10/31	7/16-10/31	7/1-10/31	5/1-7/1
South Gregory Creek		2	4/1-6/15	REST	5/15-7/15	5/15-7/15	REST	7/1-7/31
North Studhorse		2	6/15-8/1	8/15-10/31	7/15-10/31	7/16-10/31	5/1-7/1	7/1-10/31
South Studhorse		5	8/1-10/31	7/1-8/15	5/15-7/16	5/15-7/16	7/1-10/31	7/1-10/31
Lower Pole Creek *	1, 2, 3, 5		3/1-4/30	3/15-4/30	4/15-5/15	3/15-4/15	4/15-5/1	5/1-6/1
Upper Pole Creek *	1, 2, 3, 5	1, 2, 3, 5	FFR	FFR	FFR	5/15-6/1	3/15-4/15	4/15-5/15
Middle Pole Creek*			FFR	FFR	FFR	4/15-5/15	5/15-6/15	3/15-4/15

\*Pastures were FFR but are no longer considered FFR due to amount of public land within the pastures and the presence of a 303D listed stream. These pastures will be reauthorized as percent federal range (by AUM's).

2. - Small errors identified by page number and change

Appendix A, Table A-8. Proposed Projects, page A-20. In the Rail Canyon Allotment, the line that reads Pastures 05,06 - Fire Projects- Barb's email was printed in error and should have been deleted from the Table.